

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

WAIVER OF SERVICE OF SUMMONS

Michael J. Burgess

Plaintiff

v.

Case Number: 07-5110-CV-SW-JCE

Spin Master, LTD

Defendant

TO: Ralph K. Phalen

Name of Plaintiff's Attorney or Unrepresented Plaintiff

I acknowledge receipt of your request that I waive service of a summons in the above action. in the United States District Court for the Western District of Missouri. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 1-3-08, or within 90 days after

Date request was sent

that date if the request was sent outside the United States.

January 9, 2008
Date

Holly Pauling Smith
Signature

Holly Pauling Smith
Printed/Typed Name

Shook, Hardy & Bacon LLP
Street Address

2555 Grand Boulevard
Kansas City, MO 64108
City/State/Zip

Spin Master, Ltd.
Party Represented

816-474-6550 # 51340
Telephone Number Bar #